

August 26<sup>th</sup>, 2009

The Honorable Jean Cunningham, Chair  
Virginia Voter Residency Task Force  
State Board of Elections  
Washington Building, First Floor  
1100 Bank Street  
Richmond, VA 23219

Dear Chairwoman Cunningham:

We write to comment upon and commend the hard work done by the Residency Task Force. We appreciate the time, energy and thought put into crafting these regulations and believe that many strides have been made to improve voting procedures concerning residency requirements. We also believe that any changes made to policies must be able to be practically implemented by registrars who are under many financial and procedural pressures. It is with these thoughts that we submit comments and suggested changes to the proposed regulations. The changes we propose are marked on the attached version of the rule and are explained in some detail below.

It is important to note that the organizations signed on to this letter support the full inclusion of any eligible voter in the voting process. For democracy to take place and citizens to be fully engaged in their government, it is critical that access to the voting booth is simple. We believe that a more engaged citizenry is a more responsible and productive citizenry. In this time of recession and economic downturn, it is even more critical for every citizen's voice to be heard. These regulations take important steps to ensure that there are fewer barriers to participation.

There are two main issues that we would like to see addressed in more detail.

First, it is concerning that there continues to be a stated requirement of intent to remain in a domicile for an “unlimited time.” For almost every young person, person nearing retirement, person working for a large corporation and/or military personnel, this is an unreasonable burden to be placed upon the basic civic right of voting. It is also inconsistent with the logical concept of a “domicile” – which is something that can only exist at a particular point in time. More simply put: regardless of what a person’s future plans are, a person lives where he lives at the time that he lives there. If the future contingency happens, the person’s domicile will change – but until that happens, the person is entitled to vote where she is currently domiciled (i.e., where her principal place of abode is). In our proposed revisions, we clarify that the phrase “unlimited time” should be reasonably interpreted to mean “at least through the next election.”

Second, it is critical that the rule mandates that when a registrar is given all the geographic information needed to place a voter in a precinct, he or she must do that. Registrars should not be permitted to deny or delay an application, or to request any additional clarification from an applicant, when none is needed to place the applicant in the correct precinct. Thus, if a military personnel writes in their barracks name and that name is sufficient to assign a precinct, that voter should be registered without further inquiry. This is true even if the barracks has a particular street address that the applicant did not list – because the registrar has sufficient information to locate the barracks on a map and, therefore, determine what precinct it lies in. The same is true for college dormitories. As a practical matter, in most cases local registrars can work with military base or college administrators in advance of a busy election season to obtain institutional maps and street addresses of the major institutions in their

jurisdictions.

The changes we suggest are as follows

Para 1) c): Change “home” to “place of abode” in keeping with the definitions set forth in the beginning of the regulations.

Para 1) c) iii): Add “Registering to vote in a new location may be one way in which a person signals his or her intent to change domicile” We believe this is critical in light of earlier text reading “supported by factual circumstances”. There are fewer other ways to indicate intent to reside in a location more clearly than registering to vote in the new locality. Thus, the act of registering to vote in itself ought to be enough to indicate intent.

Para 2) replace a), b) and c) with language in revised document. As discussed above, we believe that it is impossible to determine an individual's future, and domicile and residency are concepts that are necessarily based on current (not future) circumstances. The only relevant future intent is the intent to remain in the jurisdiction beyond the date of the succeeding election. Any attempt to impose a time frame longer than that will result in barriers to voting. The use of the term “unlimited time,” if not properly construed, opens up the door for interpretations that could be used to prevent military personnel, average workers in large corporations, persons nearing retirement and students from voting. It is our position that a person who is eligible to vote, should vote without barrier in their current residency. The new language supports this and states that residency does not depend on a person's future plans or intentions, but rather on his or her present circumstances.

Para 3) Add “or to deny to any person any privileges or benefits” & “in a particular jurisdiction” to clarify intent.

New Para 7) The addition of the language in the revised document is critical. This states that if a voter provides all the information needed for a registrar to assign a voter to a precinct, that voter must be registered. A good example of this is a student who writes their dorm name and room number but not the physical address. If the registrar knows that address because the school has provided it to them, and a precinct can be assigned, the voter must be registered without additional supplemental questions being asked.

New Para 14) old para 13) delete all of b). We strongly urge the SBE to remove this paragraph because it is inconsistent with the NVRA, which prohibits the immediate removal for voters on the basis of a piece of returned mail. In such cases, the registrar should send the voter a residency confirmation notice in accordance with Section 8(d) of the NVRA and allow the voter to respond to the notice, correct or confirm his address, or otherwise appear to vote at any time prior to the second federal general election following the date of the notice.

New Para 15) old para 14) delete all of b). As discussed earlier, a specific plan to move away from a jurisdiction in the future has no bearing on the person's domicile at that particular point in time (so long as the person has a specific intent to remain in the jurisdiction through the date of the next election).

We believe that these changes will improve access for every individual serving in our military , individuals who work with multi state corporations and students. All of these populations are mobile and deserve to be able to exercise their civic rights as much as every other citizen.

Thank you for your time and attention to these matters.

Sincerely,

Virginia Organizing Project  
Joe Szakos  
Executive Director  
[szakos@virginia-organizing.org](mailto:szakos@virginia-organizing.org)  
434-984-4655

Advancement Project  
Brad Heard  
Senior Attorney  
[bheard@advancementproject.org](mailto:bheard@advancementproject.org)  
202-728-9557

Project Vote  
Michael Slater  
Executive Director  
[mslater@projectvote.org](mailto:mslater@projectvote.org)  
202-425-5493

Tenants and Workers United  
Jon Liss  
Executive Director  
[jliss@tenantsandworkers.org](mailto:jliss@tenantsandworkers.org)  
703-684-5697

Lawyers' Committee for Civil Rights Under Law  
Eric Marshall  
Attorney  
[emarshall@lawyerscommittee.org](mailto:emarshall@lawyerscommittee.org)  
202-662-8325

Hampton Roads Missing Voter Project  
Winnett Hagans  
Co-Director  
[whagens@msn.com](mailto:whagens@msn.com)  
757-428-0645

Womens Voices Women Vote  
Page S Gardner  
President and CEO  
[pagegardner@gmail.com](mailto:pagegardner@gmail.com)

A Phillip Randolph Insitute  
Druscilla Bridgeforth  
[drub559@aol.com](mailto:drub559@aol.com)  
804-388-5930

Virginia League of Conservation Voter Education  
Fund  
Lisa Guthrie  
Executive Director  
[VirLCV@aol.com](mailto:VirLCV@aol.com)  
804-225-1902